

IC 7.1-3-14

Chapter 14. Wine Retailers' Permits

IC 7.1-3-14-1

Application

Sec. 1. Application. The commission may issue a wine retailer's permit to a person who desires to sell wine or flavored malt beverages for consumption on the licensed premises.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.72-1996, SEC.10.

IC 7.1-3-14-2

Prerequisites

Sec. 2. Prerequisites. The commission may issue or refuse a wine retailer's permit, in its discretion, with or without requiring an investigation before a local board. However, publication of notice need not be given if the commission does require an investigation before a local board.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-14-3

Persons eligible for permits

Sec. 3. Persons Eligible for Permits. The commission may issue a wine retailer's permit only to the following:

(a) A person who is not the holder of, nor an applicant for, any other permit and who is not disqualified under the special disqualifications and who operates a restaurant patronized by customers who are likely to consume table wine with their meals;

(b) A person who is the holder of a beer retailer's permit; or,

(c) A person who is the holder of a liquor retailer's permit.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-3-14-4

Scope of permit

Sec. 4. (a) The holder of a wine retailer's permit is entitled to purchase wine only from a permittee entitled to sell to the wine retailer under this title. A wine retailer is entitled to possess wine and sell it at retail to a customer for consumption on the licensed premises. A wine retailer is also entitled to sell wine to a customer and deliver it in permissible containers to the customer on the licensed premises or to the customer's house.

(b) A wine retailer is not entitled to sell wine at wholesale. A wine retailer is not entitled to sell and deliver wine on the street or at the curb outside the licensed premises, nor is the wine retailer entitled to sell wine at a place other than the licensed premises. However, a wine retailer may offer food service (excluding alcoholic beverages) to a patron who is outside the licensed premises by transacting business through a window in the licensed premises.

(c) A wine retailer is entitled to sell and deliver wine for carry out, or for at-home delivery.

As added by P.L.112-1987, SEC.8.

IC 7.1-3-14-5

Limitation of sales; fees; clubs; discrimination

Sec. 5. (a) Notwithstanding any other law, a wine retailer may limit sales to the following:

(1) Persons that the retailer selects to have access to the retailer's facilities and services in return for payment of an annual fee to the retailer.

(2) Guests of a person described in subdivision (1).

(b) A wine retailer may call the annual fee described in subsection (a) a membership fee.

(c) A wine retailer may call the retailer's premises a club. However, the premises is not a club within the meaning of IC 7.1-3-20-1.

(d) This section does not allow a wine retailer to discriminate among persons on the basis of race, sex, age, or religion when selecting persons to have access to the retailer's facilities and services.

As added by P.L.73-1991, SEC.3.

IC 7.1-3-14-6

Issuance to proprietor of race track having beer retailer permit

Sec. 6. (a) The commission may issue a wine retailer permit, either inside or outside corporate limits, to a person who holds a beer retailer permit under IC 7.1-3-6-16 and who is the proprietor of a race track that:

(1) meets the specifications of rules adopted by the commission; and

(2) is sanctioned by a nationally chartered and recognized racing organization.

(b) The scope of a permit issued under this section, including the times during which beer may be sold, shall be set by rules adopted by the commission.

(c) A permit issued under this section is exempt from IC 7.1-3-21-1 and IC 7.1-3-22-3. The permit is not transferable for ownership or location.

As added by P.L.106-1995, SEC.10.

IC 7.1-3-14-7

Wine sampling

Sec. 7. (a) A wine retailer may allow customers to sample wines.

(b) Sampling is permitted:

(1) only on the wine retailer's permit premises; and

(2) only during the permittee's regular business hours.

(c) A wine retailer may not charge for the samples provided to the customers.

(d) Sample size may not exceed one (1) ounce.

As added by P.L.12-1999, SEC.3.